

M.P. on behalf of minor child, K.K., :  
PETITIONER, : COMMISSIONER OF EDUCATION  
V. : DECISION  
BOARD OF EDUCATION OF THE :  
MORRIS HILLS REGIONAL SCHOOL :  
DISTRICT, MORRIS COUNTY, :  
RESPONDENT. :

---

SYNOPSIS

On January 23, 2014, petitioner – the parent of K.K., a high school senior in respondent Board’s school district – filed an appeal challenging the imposition of a two-day Saturday detention upon K.K. for an incident that occurred on October 3, 2013. The Board filed a motion to dismiss in lieu of an answer, citing the late filing of the petition. The Board’s motion was converted by the ALJ to a motion for summary decision under *N.J.A.C.* 1:1-12.5. This case stems from a single incident during which K.K. found a cell phone in a school bathroom, which had been reported stolen the day before. K.K. was found to be in possession of the device after she discovered it, was questioned, admitted that she considered keeping the found phone, and ultimately was assigned a two-day Saturday suspension for violating the student code of conduct by not immediately reporting to the office with the cell phone to turn it over to school officials.

The ALJ found, *inter alia*, that: there are no material facts in dispute, and the matter is ripe for summary decision; petitioner filed his appeal pursuant to *N.J.A.C.* 6A:3-1.1 et seq; the time for filing is clearly set forth at *N.J.A.C.* 6A:3-1.2(i), which provides that a petition before the Commissioner must be filed no later than 90 days after receipt of notice of a final determination by the Board; the petition in the instant matter should have been filed within 90 days of October 3, 2013, the date on which the discipline was imposed. Accordingly, the ALJ concluded that the petition should be dismissed for failure to comply with the requirements of *N.J.A.C.* 6A:3-1.2(i).

Upon review of the record and the Initial Decision of the OAL, the Commissioner concurred with the findings and conclusions of the ALJ. Accordingly, the Commissioner adopted the Initial Decision as the final decision in this matter, for the reasons well articulated by the ALJ. The petition was dismissed.

<p>This synopsis is not part of the Commissioner’s decision. It has been prepared for the convenience of the reader. It has been neither reviewed nor approved by the Commissioner.</p>
---

July 29, 2014

OAL DKT. NO. EDU 2805-14  
AGENCY DKT. NO. 10-1/14

M.P. on behalf of minor child, K.K., :  
PETITIONER, : COMMISSIONER OF EDUCATION  
V. : DECISION  
BOARD OF EDUCATION OF THE :  
MORRIS HILLS REGIONAL SCHOOL :  
DISTRICT, MORRIS COUNTY, :  
RESPONDENT. :

---

Before the Commissioner is petitioner M.P.'s challenge to discipline imposed upon K.K., a high school senior, for an incident which occurred on October 3, 2013. Upon review of the record and Initial Decision of the Office of Administrative Law (OAL),<sup>1</sup> the Commissioner concurs with the finding of the Administrative Law Judge (ALJ) that petitioner's appeal of the discipline is untimely. Further, the Commissioner finds that petitioner failed to show that respondent's investigation regarding petitioner's allegations of harassment and bullying was defective, or that the conclusions it drew from the investigation were arbitrary, capricious or unreasonable.

Accordingly, the Commissioner adopts the Initial Decision in its entirety – for the reasons articulated by the ALJ.

IT IS SO ORDERED.<sup>2</sup>

ACTING COMMISSIONER OF EDUCATION

Date of Decision: July 29, 2014  
Date of Mailing: July 29, 2014

---

<sup>1</sup> Neither party has filed exceptions to the Initial Decision.

<sup>2</sup> This decision may be appealed to the Appellate Division of the Superior Court pursuant to *P.L. 2008, c. 36* (*N.J.S.A. 18A:6-9.1*).